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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 WELLS FARGO BANK, N.A.,

No. C 11-05770 SI

9 Plaintiff,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION; DENYING  
APPLICATION FOR IFP AS MOOT;  
REMANDING TO STATE COURT**

10 v.

11 LILIA E. DIZON and DOES 1-5,

12 Defendants.  
13 \_\_\_\_\_/

14 The Court has reviewed *de novo* the files and records in this case, and the December 6, 2011  
15 Report and Recommendation issued by Magistrate Judge Lloyd. No objection has been filed to Judge  
16 Lloyd's Report and Recommendation. The Court concurs in Judge Lloyd's findings and analysis, and  
17 concludes that defendant's request to proceed IFP should be denied as moot and this case should be  
18 summarily remanded back to the Santa Clara County Superior Court. Based on the "well-pleaded  
19 complaint rule," this Court does not have jurisdiction over the unlawful detainer action removed from  
20 state court and, as such, the case must be remanded.

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22 **IT IS SO ORDERED.**

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24 Dated: December 23, 2011

  
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SUSAN ILLSTON  
United States District Judge